

### **REMARKS**

This responds to the Office Action mailed on May 15, 2006, and the references cited therewith.

Claims 1, 5 and 17 are amended, claims 4, 8, 15 and 18-37 are canceled, and claims 38-49 are added; as a result, claims 1-3, 5-7, 9-14, 16-17 and 38-49 are now pending in this application. All new claims and amendments to current claims are supported by the original claims or specification as filed.

#### **§112 Rejection of the Claims**

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 has been canceled.

#### **§102 Rejection of the Claims**

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Andrean et al. (US 5,205,837). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Andrean patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Andrean patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Andrean patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner quotes a section of the reference concerning surface treatments, such as with amino acids, beeswax, fatty acids, fatty alcohols, anionic surfactants, etc. (see cols. 5-6). This list does not disclose the specific adjuvants recited in independent Claims 1, 17 and 49. These independent claims and the claims that depend from them are believed to be in allowable condition.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hansenne et al. (US 6,096,294). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Hansenne patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Hansenne patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Hansenne patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner points to Claim 14 of the reference concerning a sunscreen/cosmetic composition. Claim 14 of the Hansenne reference lists a general selection of cosmetic additives. The specific adjuvants utilized in current independent Claims 1, 17 and 49 are not described. Further, Claim 14 of the Hansenne reference lists such things as organic solvents, which would be potentially damaging and phytotoxic to surfaces in which it was applied. This list does not disclose the specific adjuvants recited in independent Claims 1, 17 and 49. These independent claims and the claims that depend from them are believed to be in allowable condition.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chettiath (US 4,735,995). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Chettiath patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Chettiath patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Chettiath patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner references a section in columns 15-16 of the Chettiath patent, concerning surfactants. The list of surfactants does not include the specific adjuvants utilized in current independent Claims 1, 17 and 49. The list of surfactants in the reference is mentioned to be used on metal surfaces and includes potentially damaging chemicals to plants, such as organic solvents. This list does not disclose the specific adjuvants recited in independent Claims 1, 17 and 49, which are non-phytotoxic. These independent claims and the claims that depend from them are believed to be in allowable condition.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Myers, John L. (US 3,947,286). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Myers patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Myers patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Myers patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner references sections in column 10 of the Myers patent, concerning methods of making an asbestos pigment. Lines 1-10 of column 10 describe latexes modified with organic solvents. Lines 25-40 describe a method of making an asbestos pigment. Neither section describes the utilization of the specific adjuvants recited in independent Claims 1, 17 and 49, which are non-phytotoxic. These independent claims and the claims that depend from them are believed to be in allowable condition.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson, Jr. (US 5,166,255). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Anderson patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and

removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Anderson patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Anderson patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner references lines 1-30 in column 10 of the Anderson patent, concerning anionic surfactants and solvents. The reference lists anionic surfactants, such as alcohol sulfates, ether sulfates, linear alkyl benzene sulfonates, etc. The list of surfactants does not describe the utilization of the specific adjuvants recited in independent Claims 1, 17 and 49, which are non-phytotoxic. These independent claims and the claims that depend from them are believed to be in allowable condition.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hahn, Kenneth G. (US 6,242,531). Claim 1 has been amended to include an adjuvant comprising synthetic latex surfactants and organosilicone surfactants. The Hahn patent does not disclose a removable paint formulation comprising an adjuvant with synthetic latex surfactants and organosilicone surfactants, which contribute to the removable paint formulation being non-phytotoxic and removable without harming or discoloring the surface to which it is applied. Instant Claim 17 is directed to a paint formulation in which the adjuvant comprises di-1-p-menthene. The Hahn patent does not disclose a paint formulation with such an adjuvant. New Claim 49 is directed to a paint formulation comprising a polymer of  $\alpha$ -pinene. The Hahn patent also does not disclose a paint formulation utilizing a polymer of  $\alpha$ -pinene.

The Examiner points to Example 8 and columns 7-8 of the Hahn patent, concerning paints containing thickeners. Columns 7-8 of the Hahn patent provide lists for such surfactants as anionic surfactants, non-ionic surfactants, cosurfactants, etc. Example 8 provides a method for making a paint composition, utilizing a few specific surfactants, such as nonylphenol ethoxylate surfactant, for example. Neither columns 7-8 nor Example 8 describe the adjuvants described in the independent claims of the present invention. The Hahn patent focuses on the use of thickeners and does not disclose the specific adjuvants recited in independent Claims 1, 17

and 49, which are non-phytotoxic. These independent claims and the claims that depend from them are believed to be in allowable condition.

Thus, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C §102(b) rejections of the claims.

*Allowable Subject Matter*

Claim 5 was allowed. Claim 5 has been amended to independent form and should now be in condition for allowance. Claims 38-48 depend from Claim 5 and should also be in allowable condition.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6920 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

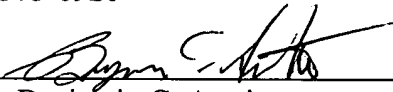
Respectfully submitted,

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Date 10/16/06

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of October 2006.

Name

Signature